UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
JEAN GILLES, JUDE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 8-9, and 11-23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6, 8-9, and 11-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This Office action is in reply to communication filed on 12/09/2009.

Response to Amendment

1.   In this reply. claims 1-6, 8, 9, and 11-23 are pending in the present application.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection, necessitated by applicant's amendment to the claims. New Patent of Hennessey et al in used in combination with the existing prior art of record, namely Hertz et al. are used to support the new rejections as detailed below.

Because there exists a likelihood that applicants may present the argument reiterated here and initially presented during the interview field on 11/03/2009, the examiner finds it prudent to address applicants' main point of contention. Applicants argue that Herz does not teach each and every feature recited by claim 1. Particularly, Herz is alleged not to t teach the independent claims features as amended, namely" *(1) each of a buy content offering, a product content offering, and a brand content offering being correlated in varying degrees to a generated user preference; (2) the buy content offering, product content offering, and brand content offering being configured to be displayed in first, second, and third display panes, respectively, at different positions on a display screen; and (3) the display panes being configured to track and respond to the*

participating user's requests during a content usage session". While not conceding to

this argument, the examiner, in the interest of advancing prosecution, submits that

Hennessey discloses such language in column 1, lines 15-60. As a result, claims 1-6,

8, 9, and 11-23 stand rejected.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-6, 8-9, and 11-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hertz and et al (hereinafter Hertz) U.S. Pub. No. 2001/0014868 A1,.

In view of Hennessey el al. (Hennessey) US Patent No. 6360216 B1.

Hertz in substance teaches a system to generate and deliver concentric user-targeted

content to participating users comprising:

a data store having data representative of a participating user's profile

information and content usage information (fig. 1, data store element 102; see also

items 123, and 124; see the Shopper profile and history data base);

a content data store, said content data store having various content for display to

said participating user (fig. 1, data store element 102; see also, items 121, and 122; see

the shopper and Offer data base); and

an instruction set cooperating with said data store and said content data store,

wherein said instruction set includes an algorithm for comparing said profile information

to said content usage information and for generating a preference for said participating

user based on said comparison (par. 0292-0293; note the matching of the profile data

with multiple shoppers with similar interests),

wherein said algorithm of said instruction set further operates on said generated

preference to obtain a range of concentric user-targeted content from said content data

store (par. 0039; see formula for assessing shopper's preference for content interest),

wherein said range of concentric user-targeted content includes a buy content

offering, a product content offering, and a brand content offering, each content offering

being correlated in varying degrees to said generated preference (par. 0037, and 0038),

wherein said buy content offering comprises a first product that is directly related

to a request of said participating user (par. 0036, shopper's goal is the user's request),

wherein said product content offering comprises a second product that is

indirectly related to said request of said participating user and that is correlated to said

participating user's profile information (par. 0036-0038, lines 6-8 of par. 0038 describe

offers of other ski equipments that is indirectly related to the request of ski google (i.e.

may be interested but not explicitly asked for; the offers are based on a shopper's

request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly

related to said request of said participating user and that is correlated to said

participating user' s profile information and content usage information (par. 36 and 37;

par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the

request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are

based on a shopper's request and shopper's profile including demographic data (i.e.,

user's profile information) AND accepted offer in the past (i.e., content usage

information)).

However, Hertz does not disclose the details of a system *wherein said buy content*

offering, product content offering, and brand content

offering are configured to be displayed in first, second, and third display panes,

respectively,

at different positions on a display screen, and

wherein the display panes are configured to track and respond to said participating

user requests during a content usage session. This feature is well-known in the art as

evidenced by Hennessey (see Hennessey column 12, lines 15-60). Hennessey shows

multiple panes of product offering displayed within a screen at different position replying

to user requests during a session.

Accordingly, it would have been obvious for an ordinary skill in the art, at the time the

invention was made to have incorporated the feature of Hennessey within the structure

of Herz to provide the user to view information associated with other products having

similar solution functionality to a selected product during a user session as stated by

Hennessey in lines 23-27 of column 12. By this rationale, claim 1 is rejected.

Regarding claims 1-6, 8-9, and 11-23, the combination Herz-Hennessey teaches:

2. The system as recited in claim I, wherein said profile

information is input by said participating user for storage on said data store (Herz; fig. 1, data storage element 102 comprising shopper profile database 123).

3. The system as recited in claim 2, wherein said profile information comprises demographic and/or preference information for said participating user (Herz; par. 0039).

4. The system as recited in claim I, wherein said content usage information comprises current and historical usage information (Herz; 0247; and 0262).

5. The system as recited in claim I, wherein said algorithm includes a matching algorithm that accepts as input said profile information and said content usage information from said data store (Herz; par. 0292-0293).

6. The system as recited in claim 5, wherein said matching algorithm further accepts said generated preference and said content from said content data store as input to generate said range of concentric user-targeted content (Herz; par. 0292-0293).

7. (Canceled)

8. The system as recited in claim 7, wherein said buy content

offering, said product content offering and said brand content offering differ from each

other on a graduated basis (Herz; par. 0037, and 0038).

9. The system as recited in claim I, wherein said varying degrees are based on said

content usage information (Herz; par. 0037, and 0038).

10. (Canceled)

11. The system as recited in claim I, wherein said data store and content data store

operate in a computing environment (Herz; fig. 1, data store element 102).

12. The system as recited in claim I, wherein said instruction set comprises a computing

application (Herz; 0051, and 0249).

13. The system as recited in claim I, wherein said range of concentric user-targeted

content is delivered to said participating user over a communications network (Herz; fig.

1 communication network 103).

14. The system as recited in claim 13, wherein said

communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless

WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a

fixed wire extranet, a wireless peer-to-peer communications network, a fixed wire peer-

to-peer communications network, and the Internet (Herz; fig. 1 data communication

network 103).

15. The system as recited in claim I, wherein said range of concentric user-targeted

content is configured to be displayed in electronic display panes (Herz; par. 0255).

16. The system as recited in claim 15, wherein said electronic display panes

are part of a content browser computing application (Herz; 0255, and 0257).

17. A computer implemented method to generate concentric user-

targeted content for a participating user, the computer implemented method comprising:

        receiving user data from a data store, the user data comprising a participating

user's profile information and content usage information (Herz; fig. 1, data store

element 102; see also items 123, and 124; see the Shopper profile and history data

base);

        receiving content from a content data store (Herz; fig. 1, data store element 102;

see also, items 121, and 122; see the shopper and Offer data base);

        processing said profile information and said content usage information to

generate a preference for said participating user based on said user data; and matching

said generated preference with said content to generate a range of concentric user-

targeted content that is matched to said generated preference for said participating user

with varying degrees of certainty (Herz; par. 0292-0293; note the matching of the profile

data with multiple shoppers with similar interests),

wherein said range of concentric user-targeted content includes a buy content

offering a product content offering, and a brand content offering (Herz; par. 0037, and

0038),

wherein said buy content offering comprises a first product that is directly related

to a request of said participating user (Herz; par. 0036, shopper's goal is the user's

request),

wherein said product content offering comprises a second product that is

indirectly related to said request of said participating user and that is correlated to said

participating user's profile information (Herz; par. 0036-0038, lines 6-8 of par. 0038

describe offers of other ski equipments that is indirectly related to the request of ski

google (i.e. may be interested but not explicitly asked for; the offers are based on a

shopper's request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly

related to said request of said participating user and that is correlated to said

participating user' s profile information and content usage information (Herz; par. 36 and

37; par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the

request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are

based on a shopper's request and shopper's profile including demographic data (i.e.,

user's profile information) AND accepted offer in the past (i.e., content usage

information)); and

wherein said buy content offering, said product content offering and said

brand content offering differ from each other on a graduated basis, and

wherein said varying degrees are based on said content usage information; and

displaying said buy content offering, product content offering, and brand content

offering in first, second, and third display panes, respectively, at different positions on a

display screen, wherein the display panes are configured to track and respond to said

participating user requests during a content usage session. (see Hennessy, column 12,

15-60).

18. The computer implemented method as recited in claim 17

further comprising distributing said range of concentric user-targeted content to

said participating user over a cooperating communications network (Herz; fig. 1,

network 103).

19. The computer implemented method as recited in claim 17,

wherein said matching said generated preference with said content

comprises applying a matching algorithm to said preference and said content (Herz;

par. 0292-0293).

20. The computer implemented method as recited in claim 17

further comprising communicating with a content partner to obtain additional

content for use when generating said range of concentric user-targeted content (Herz;

0009-0010).

21. A computer readable medium having computer readable instructions to perform the

computer implemented method as recited in claim 17 (Herz; fig. 1).

22. A method to generate and deliver concentric user-targeted

content, the method comprising:

   providing a data store having data indicative of a participating user's profile

information and content usage information (Herz; fig. 1, data store element 102; see

also items 123, and 124; see the Shopper profile and history data base);

   providing a content data store, said content data store having content from a

content service provider (Herz; fig. 1, data store element 102; see also, items 121, and

122; see the shopper and Offer data base);

   providing a computing application, said computing application cooperating with

said data store and said content data store, wherein said computing application includes

an algorithm for comparing said profile information to said content usage information

and for generating a preference based on said comparison (Herz; par. 0292-0293; note

the matching of the profile data with multiple shoppers with similar interests),,

   wherein said computing application processes said generated preference along

with said content to determine a range of concentric user-targeted content that includes

a buy content offering, a product content offering, and a brand content offering (Herz; par. 0037, and 0038),,

wherein said buy content offering comprises a first product that is directly related to a request of said participating user (Herz; par. 0036, shopper's goal is the user's request),

wherein said product content offering comprises a second product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information (Herz; par. 0036-0038, lines 6-8 of par. 0038 describe offers of other ski equipments that is indirectly related to the request of ski google (Herz; i.e. may be interested but not explicitly asked for; the offers are based on a shopper's request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information and said content usage information (Herz; par. 36 and 37; par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are based on a shopper's request and shopper's profile including demographic data (i.e., user's profile information) AND accepted offer in the past (i.e., content usage information)); and

delivering said generated range of concentric user-targeted content to said participating user over a communications network, said communications network

cooperating with said computing application (Herz; fig. 1 communication network 103;

0051, and 0249); and

displaying said buy content offering, product content offering, and brand content

offering in first, second, and third display panes, respectively, at different positions on a

display screen, wherein the display panes are configured to track and respond to said

participating user requests during a content usage session (see Hennessy, column 12,

15-60).

23. The method as recited in claim 22, wherein said providing said content data store

step further comprises cooperating with a content partner to obtain said content (Herz;

0009-0010).

24. (Canceled)

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from examiner

should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday

from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tonia Dollinger, can be reached on (571) 272-4170. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2443

JJG

February 15, 2010